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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/539,394 03/31/00 MCCARTHY

J 199-1452

EXAMINER

PM82/0322

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ART UNIT

PAPER NUMBER

3618
DATE MAILED:

03/22/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.
09/539,394

Applicant(s)
McCarthy, James Paul

Examiner
Bridget Avery

Group Art Unit
3618



☒ Responsive to communication(s) filed on Mar 31, 2000

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

☒ Claim(s) 1-19 is/are pending in the application.

Of the above, claim(s) _____ is/are withdrawn from consideration.

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) 1-19 is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been
☐ received.

☐ received in Application No. (Series Code/Serial Number) _____.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☒ Notice of References Cited, PTO-892

☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). 2

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

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DETAILED ACTION

1. The Information Disclosure Statement filed on March 31, 2001, by applicant, is acknowledged.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 1-13 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Applicant claims (in claim 1, "a reaction torque, effective to control said first speed") and in claim 8, "said torque being effective to control said first speed"). Applicant's use of terms which suggest that torque (speed) is capable of controlling speed, is unclear and confusing.

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Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

5. Claims 1-7 are rejected under 35 U.S.C. 102(e) as being anticipated by Sumi.

Sumi discloses a hybrid electric vehicle including an engine (1) having an output shaft; a motor/generator (2) coupled, by a planetary gear set (35), to the engine (1) which produces a reaction torque; a clutch assembly (36) coupled to the generator (2) to augment the reaction torque to control the engine speed; a controller (12) coupled to the generator (2), the engine (1) and the clutch (36) to determine the amount of reaction torque required to control the engine speed; the clutch (36) is coupled to a source of pressurized fluid by an actuatable valve assembly (36a) and the controller is effective to actuate the valve assembly, thereby controlling the reaction torque (see column 14, lines 64-67 and column 15, lines 1-16).

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6. Claims 1, 2 and 5-19 are rejected under 35 U.S.C. 102(b) as being anticipated by Yamaguchi et al. (US Patent 5,823,281).

Yamaguchi et al. discloses a hybrid vehicle including an engine (11); an electric motor (25); a generator (16) having a stator (22) and a rotor (21); a planetary gear unit (13); a clutch (C), coupled to the generator (16), which engages the rotor (21); a sensor; and a controller (41). The patent to Yamaguchi et al. teaches the structural features and method for controlling the speed of an engine within a hybrid vehicle, as well as many other features not claimed by applicant. See column 12, lines 38-67, column 13, lines 1-67, and, column 14, lines 1-6.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Oba et al. shows a drive control system for hybrid vehicles.

Hata et al. shows a hybrid drive system.

Ibaraki et al. shows a hybrid drive system.

Taniguchi et al. shows a vehicular drive unit.

Egami et al. shows a power source control apparatus for hybrid vehicles.

Kawakatsu shows a control apparatus for engine/electric hybrid vehicles.

Kawakatsu shows another control apparatus for engine/electric hybrid vehicles.

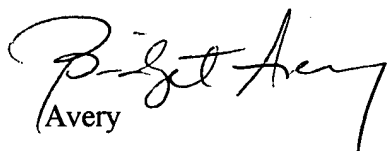
moroto et al. Shows a hybrid drive system w/ a lock-up clutch.

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8. Any inquiry concerning this communication should be directed to Bridget Avery at telephone number (703) 308-2086.


Avery

March 19, 2001


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3/20/01